

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** February 2, 2016  
**RE:** 16-0007CA; 351 North Avenue

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**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: WRM Ward: 4N

Owner/Applicant: EF Farrell, LLC

**Request:** Amendment to 63-unit apartment approval to include removal of 1st floor assembly space, add 2 living units and 2 parking spaces, relocate/redesign west entrance with associated landscape changes. Also add small fenced in dog park, grilling patio, utility pad, and indoor bike parking spaces. Retain porte cochere.

### **Applicable Regulations:**

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing)

### **Background Information:**

The applicant is seeking approval to amend an existing permit for the conversion of the former orphanage building (AKA St. Joseph's/ Providence Orphan Asylum) at 351 North Avenue into 63 units of multi-family housing and relocated college space with related site work for parking, access, and landscaping. The requested amendment, while touching on diverse items, results in little impact to the overall scope of development. The overall unit count will increase by 2 to 65. Beyond that, changes relate to site features and retention of the existing porte cochere.

Previous zoning actions for this property are noted below.

- Zoning Permit 16-007CA/MA; Approval to convert building into 63 apartments and related site improvements. Approved September 2015.
- Zoning Permit 15-0702LL; Lot line adjustment with 329 North Avenue. Approved December 2014. [Plat recorded 1/16/2015; Plat file 509C.]
- Zoning Permit 14-1286CA; Installation of CCTA bus shelter on Burlington College property. Approved June 2014.
- Zoning Permit 12-0706SN; replace existing non-conforming freestanding sign with new freestanding sign for Burlington College – Main Campus. Approved March, 2012.
- Zoning Permit 12-0121CA; Install rooftop air handler, five ac units, bike racks, and remove walls from garage. Approved August 11, 2011.

- Zoning Permit 11-0282CU; convert existing institutional office use and group home use to post-secondary school. No site or exterior building changes proposed. Approved November 2010.
- Zoning Permit 09-526CA; Demolish single car garage. Approved February 2009.
- Non-applicability of zoning permit requirements; continued use of existing group home. June 1998.
- Zoning Permit 92-096 / COA 092-016; Removal of existing wooden cross with installation of fiberglass statuary of St. Mary on top of Diocese building. Overall height to be 104' with exterior illumination to surround statue. Approved September 1991.
- Notice of selective landscape removal on west. No change in grade of site or drainage of runoff water. December 1991.
- Zoning Permit 79-352; install septic tank and seepage bed. July 1979.
- Zoning Permit 77-03; renovation of existing structure "St. Josephs Child Center" into office space and three apartments for Bishop and two priests. Approved January 1977.
- Zoning Permit 77-628; Convert St. Joseph's Child Center into office building, three apartments and three guests' rooms. Remove some windows and brick up openings. Install new windows. Erect 28'6" x 30' addition and 32' x 66' addition. December 1976.

**Recommendation:** Certificate of Appropriateness approval as per, and subject to, the following findings and conditions:

## **I. Findings**

### **Article 4: Maps & Districts**

#### ***Sec. 4.4.5, Residential Districts:***

##### ***(a) Purpose***

##### ***(4) Waterfront Residential Medium Density (WRM)***

The subject property is located in the WRM zone. This zone is primarily intended for medium density residential development in the form of single-detached dwellings and attached multi-family apartment buildings. Relative to the RM zone, this waterfront zone entails greater consideration of views from the lake and stormwater runoff. The proposed development entails relatively little site work and will be largely imperceptible as viewed from the lake. Most stormwater runoff will be retained and infiltrated onsite. The project as amended remains consistent with this criterion.

##### **(Affirmative finding)**

##### ***(b) Dimensional Standards & Density***

The 6 acre property at 351 North Avenue has well over the minimum required 30' road frontage. The increase to 65 residential units remains well under the 25-unit/acre density limit (with inclusionary units). Every 1,500 sf of remaining college space accounts for 1 dwelling unit for density calculations. The college will continue to occupy 29,000 sf and will, therefore, amount to the equivalent of 19 dwelling units. The total density remains below the maximum permissible. Per Sec. 5.2.4, *Buildable Area Calculation*, unit density must be based on "buildable area." Areas of 30% or greater slope are eliminated, and areas of 15% - 30% slope may be calculated at up to

50% of density. Buildable area was calculated and resolved in the prior project approval. There are 4.97 buildable acres. Up to 124 dwelling units could be built at 25 units/acre.

The amended site plan does not note any change to the approved lot coverage of 40.96%. Although site changes are minor, they do appear to have some effect on total lot coverage. Indication of revised lot coverage is needed.

Building setbacks will remain unchanged and are acceptable.

Building height will remain unchanged. **(Affirmative finding as conditioned)**

***(c) Permitted & Conditional Uses***

The proposed multi-family housing is a permitted use in the WRM zone. The remaining college use is conditional. **(Affirmative finding)**

***(d) District Specific Regulations***

***1. Setbacks***

No setback encroachments are sought.

***2. Height***

No height exceptions are sought.

***3. Lot Coverage***

No lot coverage exceptions are sought.

***4. Accessory Residential Structures and Uses***

No new accessory residential structures or uses are included in this proposal.

***5. Residential Density***

All of the proposed residential units are subject to an occupancy limit of 4 unrelated adults or a family as defined in the CDO. **(Affirmative finding)**

***6. Uses***

Not applicable.

***7. Residential Development Bonuses***

No development bonuses are sought in this proposal; however, the required inclusionary housing affords greater development intensity under this provision. Specifically, allowed residential density increases to 25 dwelling units/acre, and lot coverage increases to 72%. As noted previously, density and lot coverage remain below the maximum allowable. **(Affirmative finding)**

**Article 5: Citywide General Regulations**

***Sec. 5.2.3, Lot Coverage Requirements***

See Sec. 4.4.5 (b) above.

***Sec. 5.2.4, Buildable Area Calculation***

Buildable area was calculated as part of the prior project approval. Within the 6-acre property, there are 4.97 buildable acres. As proposed, density and lot coverage are acceptable within the buildable area. **(Affirmative finding)**

***Sec. 5.2.5, Setbacks***

See Sec. 4.4.5 (b) above.

***Sec. 5.2.6, Building Height Limits***

See Sec. 4.4.5 (b) above.

***Sec. 5.2.7, Density and Intensity of Development Calculations***

See Sec. 4.5.5 (b) above.

***Sec. 5.4.8, Historic Buildings and Sites***

***(a) Applicability:***

*These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.*

St. Joseph's/Providence Orphan Asylum is listed on the Vermont State Register of Historic Places. Therefore, the standards of Sec. 5.4.8 apply. Building alterations were evaluated as part of the prior approval. Exterior changes associated with this amendment are limited to retention of the existing porte cochere. In effect, this change is a lack of change to the existing building conditions. No further review under Sec. 5.4.8 is warranted by this amendment. **(Affirmative finding)**

***Sec. 5.5.1, Nuisance Regulations***

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

***Sec. 5.5.2, Outdoor Lighting***

A revised outdoor lighting plan has been provided. Different fixtures are proposed, and they are situated differently within the site. The photometric plan depicts acceptable lighting levels except for those along the walkways. The walkways exceed the 0.5 footcandle average cited in this section. Exceeding this standard may be acceptable if the applicant can demonstrate compliance with a context-appropriate IESNA standard. The plans; however, contain no such reference. Cutsheets for the revised fixtures have been provided and depict acceptable fixtures. **(Affirmative finding as conditioned)**

***Sec. 5.5.3, Stormwater and Erosion Control***

The amended project plans do not affect stormwater management. **(Affirmative finding)**

**Article 6: Development Review Standards:**

***Sec. 6.1.2 Review Standards***

***Part 1: Land Division Design Standards***

Not applicable.

***Part 2: Site Plan Design Standards***

***Sec. 6.2.2 Review Standards***

Site changes were reviewed and approved as part of the prior zoning permit. The amendment entails relatively little in the way of site changes. The new parking lot to the north has been

revised to include paved handicap accessible parking spaces, a small landscaping island, and a dumpster enclosure. Landscaping associated with this new parking lot has been slightly revised, and the ornamental fence paralleling North Avenue has been retained. The large courtyard behind the building has been deleted and replaced with a smaller outdoor gathering space. The front walkway has been somewhat revised, and the landscaping plan has generally been reworked. There appear to be additional border plantings along the building's North Avenue façade, new trees for screening of the southern parking lot, and other miscellaneous revisions. Changes to the site are acceptable. **(Affirmative finding)**

### **Part 3: Architectural Design Standards**

#### **Sec. 6.3.2 Review Standards**

The proposed amendment makes no apparent changes to the building exterior from the prior approval with one exception: The existing porte cochere will be retained. The elevation drawings also depict the copper roof recently approved under separate zoning permit. **(Affirmative finding)**

### **Article 8: Parking**

#### ***Sec. 8.1.8, Minimum Off-Street Parking Requirements***

The subject property is located in the neighborhood parking district. As a result, each of the 65 dwelling units requires 2 parking spaces – a total of 130 parking spaces in this case. As proposed, 71 parking spaces will be provided for the residences. A 57-space parking waiver (with conditions) was included in the prior approval. As amended, the waiver is for 59 spaces.

The college, when it was approved in 2010, received a 73-space (45%) parking waiver. As proposed, the college would be reduced to just 29,000 sf. That area would require a total of 58 spaces (2 per 1,000 sf). A continuation of the 45% parking waiver would result in 26 required parking spaces. The existing 51-space parking lot south of the building will continue to serve the college. **(Affirmative finding)**

#### ***Sec. 8.1.15, Waivers from Parking Requirements/Parking Management Plans***

Conditions related to the previously approved parking waiver continue to apply to the now 59-space parking waiver. The Development Review Board conditioned approval of the parking waiver on the applicant approaching CarShare VT in a good faith effort to see if a CarShare vehicle could be placed onsite. The Board also required additional outdoor bike racks as noted in Sec. 8.2.5 below (addressed as part of this amendment) and required that the applicant report to the Board 1 year after issuance of a certificate of occupancy the number of tenants overall in the building, the number of Burlington College student tenants, and the adequacy of onsite bike and vehicle parking relative to actual parking demand. **(Affirmative finding as conditioned)**

#### ***Sec. 8.2.5, Bicycle Parking Requirements***

Onsite bike lockers, bike parking, and a bike wash for residents will be provided. The two additional dwelling units result in a slight change to required bike parking. The apartments will require at least 16 long term bike parking spaces (such as lockers) and 7 short term spaces. The Board conditioned the prior approval upon installation of 10 conveniently located exterior bike parking spaces for the college and 10 bike parking spaces for the residences for a total of 20 exterior bike parking spaces. As amended, the project exceeds these targets. There will be 65 indoor bike parking spaces and 48 outdoor spaces (28 for residents and 20 for the college). **(Affirmative finding)**

## **Article 9: Inclusionary and Replacement Housing**

### ***Sec. 9.1.5, Applicability***

The two additional dwelling units do not affect the required number of inclusionary housing units. Of the 65 dwelling units, 16 must be inclusionary (25% of 65). Note that inclusionary housing units must be included onsite – the offsite option is not allowed within any waterfront zone. Final approval from the manager of housing trust fund is required. **(Affirmative finding)**

## **II. Conditions of Approval**

1. This approval does not supersede the prior approval granted September 1, 2015. It is simply an amendment thereto. All conditions associated with the September 1, 2015 zoning permit 16-0007CA/MA remain in effect.
2. **Prior to release of the zoning permit**, revised plans shall be submitted subject to staff review and approval. Revised plans shall depict:
  - a. Proposed lot coverage; and,
  - b. Walkway lighting levels of 0.5 fc average (or less), or reference to an applicable IESNA outdoor lighting standard.
3. This approval revises the parking waiver to 59 spaces and incorporates the conditions of approval of the original 57-space parking waiver.
4. Standard Conditions 1-14.